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RHMFISS/EUCOM POLAD VAIHINGEN GE PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 000215

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TAGS: [PTER](#) [PREL](#) [PGOV](#) [TU](#) [IZ](#)

SUBJECT: TURKEY: ANOTHER STEP AWAY FROM THE "COUP ERA"

REF: A. ANKARA 120

[B](#). ANKARA 107

[C](#). ANKARA 150

[D](#). ANKARA 142

Classified By: POL Counselor Daniel O,Grady, for reasons 1.4(b,d)

[1](#). (C) Summary and Comment: On February 4 representatives of Turkey's General Staff (TGS) and the Interior Ministry signed a document which abolished the "EMASYA Protocol," a secret agreement between the military and the police which authorized the military to intervene unilaterally to restore public order. The Protocol dated from 1997, but had been renewed by the Erdogan government. In addition to eliminating EMASYA, Prime Minister Erdogan told the press on January 31 that other steps are being explored to curtail the extra-judicial authority of the military. TGS Chief of Operations LTG Eroz told the press that General Basbug supported annulment of the "unnecessary" protocol. The acquiescence of the TGS notwithstanding, this marks another step in the Erdogan government's consolidation of civilian power over the military and pushes the "coup era" further into the past. End Summary and Comment.

EMASYA

[2](#). (U) On February 4 representatives of the TGS and the Interior Ministry signed an agreement to end the EMASYA Protocol. EMASYA was a secret 27-article "Public Order Assistance Protocol" between the TGS and the Turkish National Police (TNP) originally signed on July 7, 1997 -- a week after the ouster of the government led by then-Prime Minister Necbettin Erbakan under military pressure -- and renewed in 2005 by the Justice and Development Party (AKP) government. It granted authority to the Jandarma to intervene against demonstrations without the prior request or permission of a responsible governor. EMASYA has, in the past, allegedly been invoked to justify questionable operations by military personnel. For instance, the non-commissioned officers on trial in connection with the 2005 bombing of a bookstore in Semdinli, Hakkari province, argued that their activities were legal according to the provisions under the EMASYA Protocol.

[3](#). (U) The EMASYA issue came to recent attention when BDP

member (now Party Co-chairman) Selahattin Demirtas complained to Parliament in mid-January about the protocol allowing military intervention during demonstrations. Sezgin Tanrikulu, a former president of the Diyarbakir Bar Association, suggested that its continued existence was a direct result of AKP complacency. "Maybe the government is worried about a new military coup and does not want to enter into an open conflict with the army," she said. "The General Staff should have been put under the authority of the Defense Ministry a long time ago, but the government has not done so." That the protocol was allegedly drafted by General Cetin Dogan -- who is now retired but under intense scrutiny for having allegedly organized the "Sledgehammer" coup plot in 2003 (REF A) -- made EMASYA all the more topical and controversial. Prime Minister Erdogan, President Gul, and TGS Chief Basbug each made recent statements supporting the lifting of the protocol, assuring its easy dissolution. While supporting the abolishment of the EMASYA protocol, Basbug highlighted the distinction between public order operations -- in which the military, as a rule, does not want to be involved -- and counterterrorism operations. The military, according to Basbug, must continue to play a role in the latter, and EMASYA's cancellation would not alter this.

National Security Policy Paper

¶4. (U) The jettison of the EMASYA Protocol may herald increased efforts to curb the powers of the military. Among the other items PM Erdogan singled out for criticism in a

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recent interview with TRT is the National Security Policy Paper (NSPP). Known in common parlance as "Turkey's secret constitution," the NSPP is a top-secret policy paper adopted by the National Security Council (NSC) for a 5-year period. The NSPP is classified and has been invoked to justify internal military and security operations against "domestic enemies." The document was last approved, with amendments, in 2005, and is due for review this year. During Erdogan's January 31 interview, he indicated that the government would raise the NSPP at the next National Security Council (NSC) meeting with the intent to once again amend it. He claimed that the government is researching possible revisions to the NSPP and is working to incorporate its changes into its ongoing democratization program, the National Unity Project. Erdogan spoke pointedly about the concept of domestic enemies being outdated and that it should no longer exist in the NSPP. Any amendment to the NSPP would not require legislative change, but should be cleared with the NSC.

Turkish Armed Forces Domestic Services Law Article 35

¶5. (U) Article 35 of the Armed Forces Domestic Services Law is also on the short list of items Erdogan addressed in the interview. It currently reads: "It is the duty of the armed forces to guard and protect the Turkish land and the Republic of Turkey that is defined in the Constitution." The article has been used to justify military intervention into politics, including both the preparation and execution of military coups. Because the article is embedded in law, it would have to be changed legislatively. Erdogan told TRT that such an amendment could be done with the consensus of Parliament. In an interview on February 4, TGS Chief Basbug refused to comment on either the NSPP or Article 35.

Other Likely Changes in the Wind

¶6. (U) In addition to the above changes enumerated by PM Erdogan, three other major changes appear to be in the works that would serve to increase civilian control over the military. First, the government submitted a draft law on the Court of Audits (Sayistay) in the last week of January, which would establish civilian oversight over military

expenditures. Second, Parliament is currently debating the creation of a Public Order Secretariat tied to the Interior Ministry. Though the body would have no operational function, it is envisioned to serve in two capacities: to serve as a clearinghouse for intelligence concerning terrorist organizations to increase counterterrorism efficiency, and to coordinate counterterrorism policy to better address the underlying causes of terrorism. Both functions would involve an increased civilian role in the military's only legal internal operational function. Both of these changes could be enacted by a simple majority in Parliament.

17. (C) A third change -- allowing civilian courts to try military officials in peacetime -- was originally passed as a law in June 2009, but was overturned by the Constitutional Court on January 22 as it contradicted Constitutional Article 145 (REF B), which assigns jurisdiction of military personnel to the military judiciary. The government is reportedly working to effect this change by amending Article 145, but such a move would require more than two-thirds of the votes in parliament -- or a successful referendum -- to be enacted. This will likely be an uphill battle as there are opponents to the idea of constitutional reform both within and outside of the AKP (REFS C AND D).
Jeffrey

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